

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAN MEDINA,)	
)	
Plaintiff,)	
)	
v.)	No. 05-30119-RGS
)	
JOSEPH L. TAURO, et al.)	
)	
Defendants.)	
)	

MOTION TO DISMISS

The defendant, Joseph L. Tauro, United States District Judge, by his attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), moves to dismiss the complaint for lack of subject matter jurisdiction and failure to state a claim. A supporting memorandum of law accompanies this motion.

The undersigned Assistant U.S. Attorney respectfully requests that she be excused from the conference requirements of Local Rule 7.1 because the pro se plaintiff is incarcerated.

WHEREFORE, the defendant respectfully requests that the court dismiss the complaint.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

Dated: June 10, 2005

By: /s/Karen L. Goodwin
KAREN L. GOODWIN
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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Dan Medina
P.O. Box 100
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Christopher O. Quaye
Administrative Attorney
Commonwealth of Massachusetts
Administrative Office of the Trial Courts
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/s/Karen L. Goodwin

Karen L. Goodwin
Assistant U.S. Attorney